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# THE LEGISLATURE

## AFTERNOON SESSION

### THE HOUSE

Afternoon Session—Second Day. (Wednesday, November 3.)

At the afternoon session Governor Frear was on hand, and as soon as the house had gone into committee of the whole, and taken up the land law amendments, he explained in simple words of one syllable the purport of the proposed amendments. He went through the bill paragraph by paragraph.

Regarding the paragraph which provides that those who have lived ten years or more on public land shall be given the preference for acquiring title to it, Sheldon wanted to know if five years' residence would not be enough. The Governor replied that that was his original idea, but the conference had changed the figure to ten. He thought five years' residence would be plenty, the provision being primarily intended, of course, to give the Portuguese on Punahele opportunity to acquire title to the lands which they have been occupying so long as subtenants. However, he said, there are Hawaiians scattered throughout the Territory who are living on government land who will also benefit by that provision in the bill.

After Governor Frear had finished his explanation and been excused, Kaloopa moved to amend paragraph three on as to cut out the provision for the forfeiture of all rights on noncompliance with the terms of certificates, leases or agreements. Rice offered an amendment, to strike out the words "work a forfeiture of all rights thereunder and." The amendment was carried.

Rice moved that the first, second and third paragraph as amended pass. This carried without opposition.

Afonso offered a grammatical and purely technical amendment to paragraph four. Rice, Afonso and others squabbled over this as if it were really important. A speech by Douthitt settled the question and "may" became "shall." Paragraph four passed as amended.

**SHELDON AMENDS.** Sheldon moved to amend paragraph six, providing for giving preference in homesteading to persons who have for ten years resided on public lands, by changing "ten" to "five," in other words, giving the preference to persons who have for five years resided on the land. This, of course affects principally the Portuguese on Punahele who are living on government land subleased to them. The amendment was adopted.

Afonso moved to change another "may" to "shall."

Rice further amended to change "person" to "citizen," so as to bar any noncitizens from preference rights. The citizen should have this preference right, he said but never the alien.

Afonso saw he was cornered and withdrew his amendment. Rice wasn't seconded and the paragraph passed as amended by Sheldon.

The next paragraph, in reference to churches, Sheldon moved to amend by substituting "five" for "ten," for the length of time the church land must have been occupied to be patented. Carried.

Paragraph 8, relating to sales or exchanges of public lands exceeding forty acres in area or \$5,000 in value, passed as in the bill, though a contest over it had been anticipated.

### ASSISTING HOMESTEADERS.

Reverting to the first paragraph Douthitt suggested that the legislature be authorized to negotiate a loan to assist homesteaders, in conformity with Castro's joint resolution to create a commission to assist homesteaders. Castro thought it would be wise to have something in the bill to enable the Territory to develop natural resources. But he would prefer he said to pass the amendment for a day, so he could determine whether or not the congressional act providing for the conservation of natural resources applies to Hawaii.

Sheldon broke in with a motion that the committee rise and report progress. But Cohen put Douthitt's motion to reconsider the action on section 4. The motion was lost by a close vote.

"We have now finished the bill," remarked Cohen.

Afonso moved that the bill pass as amended. Douthitt insisted on the motion that the committee rise and report progress, and the motion carried. The passage of the bill was prevented for the time being. The committee rose and reported.

Nobody having anything else to present, the house adjourned.

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### THE SENATE

SECOND DAY. Afternoon Session. Wednesday, November 3.

A communication from Mary H. Atcherley was the first thing brought before the senate at the afternoon session. President Smith announced its receipt on calling the session to order, saying it was of great length. Yet there were matters in the letter which might properly be referred to the judiciary committee, being in relation to the lunacy commission and the administration of the asylum. He read passages from the concluding part of the letter, which spoke of murderous plots against Dr. Atcherley.

Knudsen demurred to reference to the judiciary committee as, at the regular session it had thrashed out the Atcherley matter. Chillingworth also objected, saying it was a shirking of the senate's duties. The letter should be considered in committee of the whole. In answer to the president's statement that the insanity of Dr. Atcherley had not been decided, or the lunacy commission in existence, at the time of the regular session, the speaker said the judiciary committee did have the Atcherley grievances in consideration. Sheriff Jarrett was before the committee on a complaint that he had unlawfully locked the doctor up.

On a division it was referred to the judiciary committee.

Kalama presented a report of the special committee on the bill raising the salaries of certain officers of the County of Maui, recommending its passage.

Coelho moved the report be adopted. Makekau that it be laid on the table to be considered with the bill. The amendment prevailed.

### THE ORGANIC ACT.

Knudsen was called to the chair in committee of the whole to consider the proposed amendments of the Organic Act in a concurrent resolution. It was decided to read the congressional bill section by section, those to which no amendment was offered to be taken as recommended for passage.

Section 1, amending section 5 of the Organic Act, making the Constitution of the United States and laws thereof not locally inapplicable have force in the Territory, passed without comment. Makekau, on section 2, relating to salaries, moved to make the sessional pay of members of the Legislature \$1000 instead of \$600, as in the bill, for a regular session.

Smith thought a thousand dollars not excessive, but doubted if it would pass congress. It might seem like opening their mouths too wide. Such a provision was liable to endanger the whole bill. The regular session was limited to sixty days and \$600 was a fair indemnity. He moved the section pass as in the bill.

Chillingworth and Harvey in duet seconded the amendment to the amendment.

Coelho was surprised at the opposition of the Oahu members to the amendment, as they voted in 1905 for a resolution of Senator John C. Lane for \$1000.

Smith suggested that, if the bill was to be amended, it should be to make it \$600 for a regular and \$300 for a special session.

Robinson said they were asking congress to increase the Governor's salary 100 per cent. He did not think it was going beyond the mark to ask for a similar increase of the pay of legislators. He moved an amendment to the amendment, making the pay \$800 for a regular and \$400 for any special session.

Kalama wanted to defer consideration, as the house had done so.

Knudsen advised that the senate act independently and if its decision was different from that of the house send the matter to conference.

There were eight votes for the amendment—\$1000 for a regular session and four for \$800 regular and \$400 special.

### AID FOR HOMESTEADERS.

McCarthy, on section 3, relating to public indebtedness, moved the following amendment: Resolved, That a new section be added to the bill to read as follows:

That section 55 of said Act is hereby amended by adding thereto the following:

"Provided that nothing herein or in this Act contained shall prevent the legislature of the Territory from loaning and advancing money for necessary permanent improvements to needy citizens or those who have declared their intention to become citizens, taking up public lands for homestead purposes and making provision to secure such advances and the repayment thereof, nor from voting subsidies to individuals or corporations or both to secure efficient, prompt and cheap transportation to market by land and sea of the products and freight of the citizens of the Territory if and provided

such legislation as the same is enacted receives the express approval of the President of the United State."

The mover offered remarks in support of the amendment, relating the difficulties and obstacles with which homesteaders are now confronted.

On motion of Baker the amendment was deferred until it could be printed.

McCarthy on section 5, relating to public lands, said the section was the one on which a scrap was anticipated, therefore he moved its consideration be deferred until the rest of the bill had been considered. Carried.

Section 6, relating to disqualifications of judges and jurors, passed.

So did section 7, relative to the public property ceded to the United States by the resolution of annexation.

Baker, on section 8, relating to salaries of officers, moved to make the salary of the Governor's private secretary \$2400 instead of \$2,000.

Harvey moved it pass as in the bill. Carried.

Section 9, to legalize naturalizations by circuit judges prior to June 29, 1906, passed.

### AID TO EDUCATION.

Coelho moved to insert a new section to read:

Section 11. That a new section be inserted as section 103A, to read as follows:

"There shall and hereby is set apart as a permanent appropriation, one of the annual revenues of the customs district of Hawaii, the same to be a permanent endowment, the income from which is to be devoted to the public schools of the Territory for teachers' salaries and school supplies."

The mover said that this emanated from a member of the school fund commission. It would hurt us nothing to ask for it. There was need of the local revenues for appropriations for other purposes. The territory was educating oriental children, who never in God's world would become American citizens, yet it was a duty which must be performed.

Smith said there were three distinct propositions originating with the school fund commission. That introduced by Coelho provided for the income only of one-third of the customs receipts to be applied to education. A proposition handed to him provided for the direct application of the one-third to the schools. While he doubted the propriety of inserting any provision relating to the matter, which had often been discussed heretofore, he would submit the proposition for consideration along with the other. It was the following:

### JOINT RESOLUTION.

"Be It Resolved by the Legislature of the Territory of Hawaii:

"That in order to provide a sufficient fund for the proper support of public schools and the furtherance of education in the Territory of Hawaii, the congress of the United States of America is requested to provide that one-third of all the customs duties collected annually by the United States upon foreign imports into the Territory of Hawaii be set apart each year and made available for such purposes, and that the delegate to congress from the Territory of Hawaii is requested to present in the congress a bill to accomplish such purposes."

It was voted to have the amendments type before further consideration.

Coelho moved that the committee rise and report progress.

Smith wanted to take up the deferred land laws section. Answering Coelho he urged that the senate to not wait for the house.

McCarthy thought that all the other proposed amendments to the bill should be disposed of first. Otherwise the senate would become balked up.

Smith contended that the other sections had nothing to do with his one. By a vote of seven to four on a show of hands the committee rose and reported progress.

Robinson presented a report of the education committee on resolution No. 1, relating to quarters and appliances for the College of Hawaii, recommending its passage. Adopted.

At 2:50 the senate adjourned.

## ADDRESS BY REV. WESTERVELT

The Rev. W. D. Westervelt of Honolulu (formerly of Chicago), has consented to give his stereoscopic lecture of 100 slides on "The Hawaiian Islands" at the College Chapel on Thursday evening of this week at eight o'clock. The admission will be free, and all are invited. This lecture was given, among other places, at the Congressional Summer Assembly at Frankfort, Michigan, the past season, and it awakened so much interest that Dean Lee, who was present, invited him to stop off at Topeka on his homeward journey and give it at Washington for the benefit of the students and the general public. Prof. Wilcox, of K. U., who also heard it, asked him to give it at the University. The lecture is exceedingly instructive and highly entertaining. Mr. Westervelt will also speak at the Thursday chapel upon "The Folklore of the Hawaiian and other islands of the Pacific," a subject in which he is an expert.—Washington (Topeka) Review.

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